

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

JAMES SMALLEY,

Plaintiff,

v.

L. DAVIS, et al.,

Defendants.

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No. 2:16-cv-25-JMB

ORDER

This matter is before the Court upon plaintiff James Smalley’s “Motion to Reopen Case,” which this Court interprets as having been filed pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. (Docket No. 27/filed September 7, 2017). The motion will be denied.

The procedural history of this case is fully set forth in the Memorandum and Order entered on October 28, 2016. Briefly, however, plaintiff’s case was dismissed because he repeatedly and willfully refused to comply with Court orders, and persistently failed to prosecute his case in a serious manner. Now, nearly one year later, plaintiff moves to reopen his case. In support, he states that he had been held in administrative segregation. However, he does not explain how this placement caused him to file documents that failed to comply with Court orders. Plaintiff also states that he has been placed in administrative segregation in other institutions in which he has been held, and that such placements are done to “vex” him. These statements do not amount to a demonstration of the exceptional circumstances required to obtain relief under Rule 60. *See Brooks v. Ferguson-Florissant School Dist.*, 113 F.3d 903, 904 (8th Cir. 1997).

Having carefully considered the motion, the Court concludes that plaintiff has not made a sufficient showing under Federal Rule of Civil Procedure 60(b) to reopen his case. The motion will therefore be denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to reopen case (Docket No. 27) is **DENIED.**

/s/ *John M. Bodenhausen*
JOHN M. BODENHAUSEN
UNITED STATES MAGISTRATE JUDGE

Dated this 27th day of November, 2017.